

# Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649  
ph: (508) 539-1400

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## September 22, 2014

### AGENDA

#### BOARD OF SELECTMEN

MONDAY, SEPTEMBER 22, 2014

6:00 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

#### PLEDGE OF ALLEGIANCE

#### MOMENT OF SILENCE

#### EXECUTIVE SESSION

- Town Counsel:

Disposition of Real Property – Commercial Street  
Litigation – Wolpe v. Town of Mashpee  
Draft MOU Refuge Partnership

#### MINUTES

Approval of the following:

Wednesday, September 10, 2014 – Regular and Executive Session

#### APPOINTMENTS & HEARINGS

7:00 - Public Comment  
DPW Director:  
SMART Program Discussion  
Rte. 151 Discussion

#### COMMUNICATIONS & CORRESPONDENCE

#### OLD BUSINESS

- Tax Title Custodian – Tax Collector/Treasurer

#### NEW BUSINESS

- Town of Chatham - Request for Support/Monomoy National Wildlife Refuge
- Acceptance of Resignation – Community Advisory Committee/Sewer Commission

- Acceptance of Resignation:
- Mashpee Wakeby Lake Management Committee
- Barnstable County Dredge Committee
- Waterways Committee
- Land Disposition – Habitat for Humanity Properties

#### **ADDITIONAL TOPICS**

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed.)

#### **LIAISON REPORTS**

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Present: Selectman Taylor, Selectman Richardson, Selectman Sherman,  
Selectman Cahalane, Selectman Gottlieb  
Town Manager Joyce Mason  
Assistant Town Manager Tom Mayo

Attendees: Town Counsel, Patrick Costello

Meeting Called to Order by Chairman Taylor at 6:01 p.m.  
Waquoit Meeting Room, Mashpee Town Hall

#### **EXECUTIVE SESSION:**

##### **Town Counsel:**

Disposition of Real Property – Commercial Street  
Litigation – Wolpe v. Town of Mashpee  
Draft MOU Refuge Partnership

**Motion made by Selectman Richardson to enter into Executive Session at this time for the purpose of discussing the disposition of real property, potential litigation regarding real property and the matter of the trust agreement.**

**The Board shall reconvene in Open Session in approximately one hour.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

#### **Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen

IN THE MATTER OF EXECUTIVE SESSION

DATE: September 22, 2014

It is MOVED by: Selectman Richardson

That this governmental body hold an Executive Session.

A Roll was Called (see attached Roll Call).

The Clerk of this Executive Session was designated as:

Selectman Sherman

A quorum being present and a Majority having voted to go into Executive Session, the Chair states that:

1. This meeting Convened in Open Session and
  - A. Notice and Posting of the Meeting was Given. OR (X)
  - B. The Meeting is an Emergency Meeting. ( )
2. After the Executive Session, the Meeting
  - A. Will Reconvene. (X) B. Will Not Reconvene. ( )
3. The Purpose or Purposes of this Executive Session are:
  - A. To deliberate upon matters involving Individuals where the Individuals involved have been notified in writing of the meeting and have not requested an open meeting, and regarding:
    1. The Reputation and Character of the Individual. ( )
    2. The Physical Condition and Mental Health of the Individual. ( )
    3. The Discipline or Dismissal of a Public Officer, Employee, Staff Member or Individual. ( )
    4. A Complaint or Charge brought Against a Public Officer, Employee, Staff Member or individual. ( )
  - B. To Deliberate upon Matters which, if done in Open Meeting, could Detrimentially Affect the Position of the City, and regarding:
    1. Collective Bargaining. ( )
    2. Strategy with respect to Collective Bargaining. ( )
    3. Strategy with respect to Litigation (X)
    4. The Purchase, Exchange, Lease or Value of Real Property. (X)
  - C. To Deliberate Matters regarding:
    1. The Deployment of Security Personnel Devices ( )
    2. Allegations of Criminal Misconduct ( )
  - D. To Comply with the Provisions of a General Law or Special Law or Federal Grant in Aid Requirement, the Specific Law being:  
\_\_\_\_\_ ( )
4. All of the foregoing is hereby made part of the official Minutes of this Body. (X)

Adjournment:

**Motion made by Selectman Richardson to adjourn at 6:55 p.m.**

**The Board will enter into Open Session at this time.**

**Motion seconded by Selectman Gottlieb.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen

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Meeting re-convened: 6:57 p.m.

Support for Ovarian Cancer:

The Board of Selectmen acknowledged that they have been “flocked” and will join the Deneen Team in support of finding a cure for Ovarian Cancer. Additional donations may be forwarded to the Dana Farber Cancer Institute.

MINUTES:

Wednesday, September 10, 2014 Regular & Executive Sessions:

The minutes were requested to be amended on Page 9 under Article #9, sentence to read: To participate in a qualified retiree drug program..., and on Page 22 to remove the second sentence in the motion to adjourn.

**Motion made by Selectman Richardson to approve the Regular and Executive Session minutes of Wednesday, September 10, 2014 as amended.**

**Motion seconded by Selectman Gottlieb.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

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APPOINTMENTS & HEARINGS:

DPW Director – SMART Program Discussion:

Catherine Laurent, Director of Public Works was in attendance to review the proposed Mashpee SMART Program formerly known as the Pay-As-You-Throw program designed to reduce trash, and control costs by increased recycling.

With the expiration of the SEMASS solid waste disposal contract on January 1, 2015 costs are expected to rise substantially. The adoption of the recommended SMART (Save Money and Reduce Trash) waste management program with a start date of July 1, 2015 would realize an immediate cost saving to the Town. Without the change, the Town would spend an additional \$62,000 next year as increased disposal tip fees are expected to take effect. If the program is not implemented, Transfer Station sticker fees are anticipated to cost \$135 or more per year. Currently, the annual residential permit fee is \$110 for unlimited trash disposal and recycling.

It was noted the SMART program has been successfully implemented in the Towns of Sandwich, Wellfleet and Brewster. The Cape communities and other Massachusetts municipalities who have executed the SMART program have realized a reduction in trash collections and disposal costs.

In the Town of Mashpee, the SMART program would be structured over a three-year period and become 100% user funded. This would be accomplished by increasing the permit fee in each of the three-years. In year-one, the permit fee would be reduced from \$110 to \$10, and in year-three it is estimated to increase to \$50.

With the savings from the SMART program, it is the intention of the Town to utilize additional monies on improvements that have been funded minimally, such as road work, public services and the schools.

The DPW Director has proposed two bag sizes be sold at various retail locations throughout the community. The cost of 30-gallon bag would be \$2.00, and a 15-gallon bag \$1.25. Assuming the homeowner would use one bag per week, the annual cost for the 30-gallon size would amount to \$114 and a 15-gallon bag \$75. It was noted the bags would be supplied and distributed by Waste Zero. Payment for the management is included in the pricing of the bags. The Town would control the costs for the bags and determine the appropriate site locations for the sale of the bags.

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DPW Director – SMART Program Discussion: (continued)

The Board opened the discussion to seek public comment. Mashpee resident Richard Elrick of Edgewater Road

indicated that he serves as energy coordinator for the Towns of Bourne and Barnstable. In support of the SMART program Mr. Elrick indicated this is an opportunity to reduce waste and increase recycling. It was noted that 141 Massachusetts communities have implemented this program, and the option is currently being considered by the Town of Barnstable.

Mr. Elrick urged the Selectmen to act on the program and develop a revolving account for this purpose. He stated this is a “no brainer” and with education and outreach the Town would immediately reduce trash and save money.

It was noted the Town of Sandwich implemented the program in July of 2012 and realized a 42% reduction in trash in year-one, and a 50% reduction in year-two of the program. The two-year savings in disposal costs was \$279,877. It is projected that Mashpee would assume a 34% reduction in year-one of the SMART program.

Recycling Committee member Charles Gasior also spoke in support of the program and its success in the Town of Sandwich. Mr. Gasior indicated the DPW Director has been working on this proposal for a long time, and from the standpoint of the Recycling Committee, Mr. Gasior requested the Board vote in support of the program.

In concern, Selectman Cahalane recommended the Board bring this matter back to Town Meeting. It was noted this matter was brought to the voters on two occasions within the past five years and it was defeated twice.

The matter was debated by the Board, and it was determined this is a decision of the Board of Selectmen, and savings could be realized to make improvements for the Town.

**Motion made by Selectman Richardson to implement the SMART program structured over a three-year period as presented.**

**Motion seconded by Selectman Gottlieb.**

**VOTE: 4-1. Motion carries.**

**Roll Call Vote:**

<b>Selectman Taylor, yes</b>	<b>Selectman Richardson, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Cahalane, no</b>
<b>Selectman Gottlieb, yes</b>	<b>Opposed, (1)</b>

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**OLD BUSINESS:**

**Tax Title Custodian – Tax Collector/Treasurer:**

To facilitate tax possession sales, the Board of Selectmen agreed to appoint the Town Treasurer as Tax Possession Property Custodian.

**Motion made by Selectman Sherman to appoint the Town Treasurer to serve as Custodian of Tax Foreclosure Properties for the purposes of the disposition of said properties pursuant to Massachusetts General Law, Chapter 60 §77B.**

**Motion seconded by Selectman Gottlieb.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Taylor, yes</b>	<b>Selectman Richardson, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Cahalane, yes</b>
<b>Selectman Gottlieb, yes</b>	<b>Opposed, none</b>

**NEW BUSINESS:**

**Land Disposition – Habitat for Humanity Properties:**

The Board of Selectmen reviewed the revised Land Disposition Agreement between the Town of Mashpee and Habitat for Humanity for the Town owned parcels; 108 Orchard Road and 132 Quinaquisset Avenue (formerly 68 Strawberry Avenue).

The document has been reviewed and approved by Town Counsel to form.

**Motion made by Selectman Gottlieb to approve the Revised Land Disposition Agreement by and between the Town of Mashpee and Habitat for Humanity of Cape Cod, Inc. as presented.**

**Motion seconded by Selectman Richardson.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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**NEW BUSINESS:**

**Town of Chatham – Request for Support/Monomoy National Wildlife Refuge:**

Correspondence was received from the Town of Chatham via email dated September 15, 2014 requesting support of its claim for their continued ownership and management over all of South Beach and for Chatham's contention that both local and state authorities maintain management and jurisdiction over the shellfishing and fishing activities within the waters and submerged lands of Nantucket Sound reference as the Declaration of Takings (DOT).

Selectman Gottlieb indicated that he attended the recent Cape Cod Selectmen and Councilors Association meeting, and the response was positive. The issues involve land jurisdiction due to shifting sands, and the proposal prohibits traditional harvesting methods undertaken in this area that have been managed for decades by fishermen and shellfishermen which benefits the economic stability of Cape Cod. The Town of Chatham is requesting to be heard on this matter.

The U. S. Fish & Wildlife Service is seeking comment regarding the Monomoy National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement. The deadline for comment is October 10<sup>th</sup>.

**Motion made by Selectman Gottlieb to execute the letter of support for the Town of Chatham as requested.**

**Motion seconded by Selectman Cahalane.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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APPOINTMENTS & HEARINGS:

Route 151 Discussion:

In response to the road safety audit conducted by the Cape Cod Commission, improvements to the Route 151/Old Barnstable Road intersection was reviewed by the DPW Director and the Town's Engineer representing Fay, Spofford & Thorndike (FST).

It was noted this location ranks as #21 in Barnstable County as a high accident intersection mostly due to driver inattention causing rear-end crashes. The State also lists this intersection as #203 in need of safety improvements.

The final CCC audit completed this past August has made recommendations to improve safety in this area. To date, the DPW has implemented a few low cost recommendations made in the report. Some of the improvements include the repair of the signal light and its timing which has brought some relief to this area.

One of the significant recommendations of the report considers the replacement of the existing traffic signal with a roundabout. A conceptual design of the roundabout was reviewed and considered by the Board of Selectmen.

After review it was agreed the intersection would remain signalized for safety and traffic flow. Engineering and design is currently underway. Additional recommendations set forth by the Board include improve signalization, the installation of a pedestrian button to safely cross the road, additional right and left lane turning movements, and traffic calming devices to slow traffic.

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NEW BUSINESS:

Acceptance of Resignation – Community Advisory Committee/Sewer Commission:



Correspondence was received from Beverly Kane dated September 5, 2014 resigning as a member of the Community Advisory Committee to the Sewer Commission effective September 30, 2014.

**Motion made by Selectman Gottlieb to accept the resignation of Beverly Kane from the Community Advisory Committee to the Sewer Commission as presented.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

**Acceptance of Resignation:**

**Mashpee Wakeby Lake Management Committee, Waterways Commission and Barnstable County Dredge Committee:**

The Board of Selectmen was respectfully requested to accept the resignation of William Taylor from the above referenced committees.

**Motion made by Selectman Cahalane to accept the resignation of William Taylor from the Mashpee Wakeby Lake Management Committee, the Waterways Commission and Barnstable County Dredge Committee.**

**Motion seconded by Selectman Gottlieb.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

It was agreed the above referenced committees would be duly advertised seeking membership.

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**LIAISON REPORTS:**

**Mashpee Ponds:** Due to the lack of rainfall, the boards at Mashpee/Wakeby Pond have been altered to allow the herring to migrate.

**Special Events:** Plans are ongoing for the annual Holiday Parade.

**Schools:** Mashpee TV staff members are working diligently with the Schools.

**Adjournment:**

**Motion made by Selectman Gottlieb to adjourn at 8:02 p.m.**

**Motion seconded by Selectman Richardson.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Taylor, yes	Selectman Richardson, yes
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**Selectman Sherman, yes**  
**Selectman Gottlieb, yes**

**Selectman Cahalane, yes**  
**Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen